

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

TRADE PARTNERS GATEWAY
CENTER, LLC, n/k/a TPI DESERT
CARMEL, LLC,

File No. 1:04-CV-417

HON. ROBERT HOLMES BELL

Debtor.

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ORDER APPROVING REPORT AND RECOMMENDATION

Magistrate Judge Ellen S. Carmody filed a Report and Recommendation on August 21, 2006, recommending that the Receiver's Motion for Authority to Enter Into, and for Approval of, Settlement Agreement with the New Era Companies, (Docket # 116), be granted. (Docket # 121). No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C). The Court agrees with the recommendation. Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of August 21, 2006, (Docket # 121) is **APPROVED AND ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that the Receiver's Motion for Authority to Enter Into, and for Approval of, Settlement Agreement with the New Era Companies, (Docket # 116) is **GRANTED**.

IT IS FURTHER ORDERED that the parties' Settlement Agreement and Mutual General Release is **APPROVED** in its entirety.

IT IS FURTHER ORDERED that the Receiver, Trade Partners, the Examiner, Desert Carmel, and, subject to the approval of the Bankruptcy Court, Greenville, are authorized to consummate the Settlement Agreement.

IT IS FURTHER ORDERED that upon obtaining the required approval from the Bankruptcy Court, the Receiver, Desert Carmel and Greenville shall promptly pay to the New Era Companies the Settlement Amount stated in the Settlement Agreement.

IT IS FURTHER ORDERED that New Era Companies' claims against Trade Partners and Trade Partners' claims against New Era Companies are **DISMISSED** with prejudice and without costs to any party.

Date: September 13, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE